Sectt. H-27—60,004—10-11-48

Home (194 9) Department.

Ms. SERIES.

(13)

G.O. NO 2843

Dated 12-7-49

[Despatch Abstract.]

COURTS - Criminal - South Kanara district - Enquiry into cases arising out of Communist activities - A.F.C.M. and Asst. P.P. Grade II Retention - Sanctioned.

D. 55680 22/6/49

Specail
Ref. 4559/48 -C.3.

Office of the District Magistrate,
S.K.Mangalore, Dated 18th June 1949.

DEPUTY SECRETARY 22 JUN 1949 HOME

From

Syed Ahmed Esq.,
District Magistrate, South Kanara,
Mangalore.

To

The Secretary to Government,
Home Department, M a d r a s.

Through:

The Registrar,
High Court of Judicature,
M A D R A S.

Sir,

Courts: South Kanara Court of the II Additional Ist Class Magistrate and Staff - Enquiry into cases arising out of Communist activities - continuance- Report submitted.

Reference: G.O. Ms. No. 1713, Home Department dated 2- 5- 1949.

In the G.O. cited, the retention of the temporary staff sanctioned in G.O.No. 3020 Home Department dated 6- 8- 1948 for enquiry into the cases arising out of Communist activities was extended up to 30- 6- 1949.

2. The enclosed statement shows the number of preliminary and calendar cases pending before this court and the probable time required to dispose of them. There are in all 12 cases pending disposal, out of which two are Preliminary register cases and 10 are calendar cases. Out of the twelve cases mentioned in the list appended Rc.1/49, CC.12/48, 16/48,29/48, 2/49, 5/49, 6/49, 9/49 and 11/49 will be disposed of by the end of this month.

3. R.C.17/48 , CC.15/48, and 4/49 are the three cases which will remain to be disposed of at the end of this month. Out of the above three cases, one Defence Witness each remain to be examined in C.C. 15/48 and 4/49. The Defence Witnesses are detenus and the one Defence witness to be examined in C.C. 4/49 is reported by the Superintendent of Central Jail, Vellore to be unfit for the present to undertake the journey as he has been operated upon. This case will have therefore to be adjourned to some date in July 1949. As this is a case which has reached the defence stage, it will have to be tried by the same IInd Additional First Class Magistrate, as otherwise the case will have to be tried De Novo, and the case will drag on for some months.

The other important case remaining to be disposed of is R.C. 17/48. I have consulted the District Superintendent of Police in this regard. He reports that this is a very important case in which 34 witnesses have to be examined. In this case, Bunder Cooly Sankappa, one of the seven absconding accused in CC.7/48 on the file of the IInd Additional First Class Magistrate Mangalore was arrested and produced before the Magistrate on 14- 4- 1949. In spite of vigorous attempts made by the Special duty staff and the local police, the six remaining accused could not be apprehended and chances of their apprehension in the

2

immediate future are remote. The District Superintendent of Police reports that Bunder Cooly Sankappa has been in remand for over two months and it will not be fair to put off the trial further. As already reported above, there are 34 witnesses to be examined, among whom there are some Railway and Police Officers who are far off and will have to be summoned through the proper channel. At least about 20 working days will be required for the enquiry and committing to the Sessions.

4. I thought of sending back the cases which would remain at the end of this month to the Courts from where these cases were sent to the court of the IInd Additional First Class Magistrate, Mangalore. But I find this will not be feasible as the Revenue Divisional Officers are busily engaged in vigorous Procurement work in addition to their routine work. It is not possible for them to devote any attention to procurement work if they are required to attend to the cases in question.

5 The IInd Additional First Class Magistrate, Mangalore reports that as there will not be enough work for the entire staff, the temporary posts of the attender and one peon may be retrenched. I agree with him and recommend that sanction may be accorded to the extention of the temporary staff consisting of one Additional Ist Class Magistrate, One Lower Division Clerk, One Peon and Additional Public Prosecutor, IIf for one month.

6 I could not submit this report earlier as the stage that may reach on 30- 6- 1949 could not be forseen earlier and the District Superintendent's report in the matter reached me only to-day. I request that, as the time left is short, telegraphic orders may be sent to me.

Withheld to buy
District Magistrate.

Encls: (1) (Copy of pages 281-2.)

Copy submitted to the Secretary to Government, Home Department, Madras direct to save delay.

Copy to Mr. David BA. Sri C. S. Ramachandramurthi, under Secretary to Govt. Home Department. Fort St. George Madras →

Tabular Statement showing the number of P.R. and Calendar cases Pending on the File of the IInd Additional Ist Class Magistrate, S.Kanara on 15- 6- 1949 and probable time required for dispose them off.

R.C.No. 17/48.	Vide Para 3 of my report to the District Magistrate in Ref.C.No. 5/48 dated 1- 6- 1949; this case was split up from R.C. No. 7/48 and when the records were getting ripe to submit the same for transfer to the Register of long pending cases, one of the absconding accused was arrested and produced. The District Superintendent of Police was addressed on 4- 6- 1949 about the commencement of enquiry age against this accused. I have not received his reply but Special duty Inspector who met me yesterday told me that he had reported to the District Superintendent of Police to commence enquiry into the case and recommends that Public Prosecutor may be requested to conduct the prosecution in this Hobber Court. There are thirtyfour witnesses and the enquiry and preparation of records for sending to the Public Prosecutor etc. may require full 20 days. Witnesses are also spread over to several places both in and out side of the District.
R.C.1/49.	This is a case split up from R.C.13/48 in R.C. 1/48 dated 3- 6- 1949 records are submitted to the District Magistrate for the transfer of this case to the Register of Long Pending Cases and the District Magistrate's orders are awaited.
CC.12/48.	Defence evidence was recorded yesterday and for arguments the case stands posted for 17- 6- 1949 and by 20- 6- 1949 judgment will pronounce in this case.
CC.15/48	This case was posted yesterday for recording defence evidence D.W. 1 was examined. Next witness summoned by the defence is detenu Kotekar Krishna Shetty from Vellore. In spite of the issue of production warrant through the District Magistrate he was not produced nor any intimation sent. I have reposted the case for 28- 6- 1949 and sent the production warrant through the District Magistrate yesterday with a special request, sending one copy direct to Vellore Jail. If he is not produced, in the interest of justice the case has to be adjourned for the next month.
CC.16/48.	This is a split up case from CC.15/48 and has soon as CC.15/48 is over this may require at least two full days to prepare records for sending up proposals to transfer the case to the Register of Long Pending Cases.
CC.29/48.	In this case which is split up from CC.25/48 report submitted to the District Magistrate on 6- 6- 1949 to withdraw the charge and District Magistrate's orders are awaited.
CC.2/49.	This is a split up case from CC.12/48 and as CC.12/48 will close by 20- 6- 1949 I may be able to get records prepared and submit this case to the District Magistrate for transfer to the Register of Long Pending Cases by 27- 6- 1949.
CC.4/49.	In this case again there is one D.W. to be examined and he is a detenu and the accused is very particular to get this witness in spite of issuing production warrant. This detenue was not produced this day and no intimation was sent and I have

posted the case for 27- 6- 1949 and submitted the warrant to the District Magistrate sending a copy direct. If the D.W., turns up that day the case will close by 29- 6- 1949 or it had to be adjourned for the next month.

CC. 5/49. This is split up case from CC.3/49 and is submitted to the District Magistrate for withdrawal of the charge on 31- 5- 1949 District Magistrate's orders are awaited.

CC.6/49 This is split up case from CC.4/49 closes on 29- 6- 49 the staff may require full two days to prepare records for sending up proposals to transfer the case to the Register of Long Pending Cases.

CC.9/49 This is split up case from CC.8/49 and records are being prepared to submit the case to the District Magistrate, to transfer to the Long Pending cases records will be submitted by 17- 6- 1949

CC.11/49. This is a split up case from CC.10/49 and as C.C.10/49 ended in conviction, the staff has to prepare records for transfer to Long Pending Cases on account of rush of work this will be attended by 24- 6- 1949 and records submitted.

Sd. P.S.T. Shetty,
II Additional Ist Class Magistrate,
South Kanara, Mangalore.

(True copy)

District Magistrate,
South Kanara.

Copy of pp 1 to 4 ante

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Special:
Ref.4559/48-C.3.

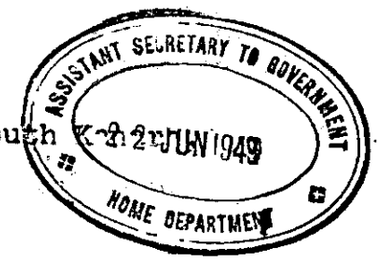
Office of the District Magistrate,
S.K., Mangalore, Dated 19th June '49.

55681
29/6/49

D

From

Syed Ahmed Esq.,
District Magistrate, South Kanara,
Mangalore.



To,

The Secretary to Government,
Home Department, Madras.

Through:

The Registrar,
High Court of Judicature,
M a d r a s.

Sir,

Courts: South Kanara Court of the II Additional Ist Class Magistrate and Staff -Enquiry into cases arising out of Communist activities - continuance - report submitted.

Reference: G.O. Ms.No.1713, Home Department dated 2- 5- 1949.

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6

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The IInd Additional First Class Magistrate, Mangalore reports that as there will not be enough work for the entire staff, the temporary posts of the attender and one peon may be retrenched. I agree with him and recommend that sanction may be accorded to the extension of the temporary staff consisting of one Additional Ist Class Magistrate, One Lower Division Clerk, one peon and Additional Public Prosecutor, II for one month.

I could not submit this report earlier as the stage that may reach on 30- 6- 1943 could not be forseen earlier and the District Superintendent's report in the matter reached me only to-day. I request that, as the time left is short, telegraphic orders may be sent to me.

District Magistrate,

Encls: (1)

Copy submitted to the Secretary to Government Home Department Madras direct to save delay.

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Sd. P.S.T. Shetty,
II Additional Ist Class Magistrate,
South Kanara, Mangalore.

(True copy,

District Magistrate,
South Kanara.

D.O.
Ref.4559/48-C.3. Office of the Dt. Magistrate, S.K.,
Mangalore, Dated 19- 6- 1949.

DEPUTY SECRETARY 23 JUN 1949 HOME

9

56197
23/6/49

My Dear ~~Ramachandran~~ David

Subject: Criminal Justice -Communist cases pending in the IInd Additional First Class Magistrate's Court, Mangalore - extension of the retention of the Special staff - recommended.

I am sending herewith Specially a copy of my report Ref.C.No. 4559/48 -C.3 dated 19- 6- 1949 recommending the extension of the Special Staff sanctioned for the trial of Communist cases for a further period of one month from 1- 7- 1949. I shall be much obliged, if you kindly direct your good offices to take prompt action and orders are communicated to me by wire.

Yours sincerely,

Syed Ahmed 20.6.49

(Syed Ahmed)

To

Sri. C.S. Ramachandran, I.C.S., David
Dy Under Secretary to Government,
Home Public Department,
Fort St.George, Madras - 9.

HOME DEPARTMENT.

MEMO No.55680.D/49-1, dated 27.6.49

COURTS - Criminal - South Kanara district - II A.F.C.M and staff - Retention -
REF:- G.O. Ms. No. 1713, Home, dated 2-5-1949
From the D.M., South Kanara 4559/48-C3, d/19-6-49

The D.M., South Kanara is permitted to continue the posts of A.F.C.M., One l.d. clerk, one peon and one Assistant Public Prosecutor, Grade II, last sanctioned in G.O. Ms. No. 1713, Home, dated 2-5-1949 ~~beyond 30-6-1949~~ pending further orders of the Govt.

To the D.M., South Kanara.
" Registrar, High Court, Madras
Copy to the A.G. Madras

NOTE:- The D.M., South Kanara has stated that out of the cases pending before the A.F.C.M. 3 cases will be ~~kept~~ pending on 30-6-1949 when the present sanction for the posts expires, that it is necessary to continue the A.F.C.M. and A.P.P. for one more month but that the posts of one attender and one peon may be retrenched from 30-6-1949. Pending the receipt of the remarks of the High Court and the issue of final orders, the D.M. may be permitted to continue the posts. The draft Memo submitted is for approval. Finance may see before issue.

Thro' F.

May be accepted.

Home U.O. 55680-D/49-1

ASSISTANT SECRETARY TO GOVT. FINANCE DEPARTMENT 25 JUN 1949

ASSISTANT SECRETARY TO GOVERNMENT HOME DEPARTMENT 27 JUN 1949

GOVERNMENT OF MADRAS.
Home Department.
Memorandum No. 55680. D/49-1 dated 27th June, 1949

Courts - Criminal - South Kanara district - II Additional First Class Magistrate and staff - Retention -

---

~~Thax District~~

Ref:- G.O. Ms. No. 1713, Home, dated 2nd May 1949
From the District Magistrate, South Kanara
4559/48-C3, dated 19th June 1949.

The District Magistrate, South Kanara is permitted to conti beyond 30th June 1949 the posts of Additional Fist Class Magistrate, one lower division clerk, one peon and one Assistant Public Prosecutor, Grade II, last sanctioned in G.O.Ms. No. 1713, Home, dated 2nd May 1949 pending further orders of the Government.

C.S.David,
DEPUTY SECRETARY TO GOVERNMENT.

To the District Magistrate, South Kanara.
To the Registrar, High Court, Madras.
Copy to the Accountant-General, Madras through the Finance Department.

Forwarded/ By order.

Superintendent.

Pva 27/6.

INVEST WISELY
Buy NATIONAL SAVINGS CERTIFICATES

59115

15

ASSISTANT SECRETARY TO GOVERNMENT
30 JUN 49 47 1
THEM

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Class Prefix } ——— Code ———

No. C.

MADRAS
30 JUN 49
C.T.O.

Recd. from ——— By ———	Sent at ——— H. ——— M. To ——— By ———	Office Stamp

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service instructions	Words.
		11	20		

TO

Recd. here at H. M.

— X LF MANGALORE KNA 30 STE 27 MADRAS HOME MADRAS

REFERENCE 4549/48 DATED NINETEENTH JUNE STOP

ADDITIONAL MAGISTRATE & STAFF COMMUNIST CASES STOP

BEING CONTINUED BEYOND THIRTIETH JUNE IN ANTICIPATIO

N B.—The ... after, but separated from, the text.

Eden Press, Cal.—N: ORDERS : COLLECTOR Bke.

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EXPRESS STATE

MADRAS HOME. MADRAS 5993 2-7-49

ASSISTANT SECRETARY TO GOVERNMENT 2 - JUL 1949 HOME

REFERENCE 4559/48 DATED NINETEENTH JUNE (STOP) ADDITIONAL MAGISTRATE AND STAFF (FOR TRYING) COMMUNIST CASES (STOP) BEING CONTINUED BEYOND THIRTHIETH JUNE IN ANTICIPATION (OF) ORDERS (STOP)

COLLECTOR.

Ref.C.3.4559-48.
Copy submitted to the Secretary to the Government, Home Department, Madras, in continuation of my Ref.4559/48.C3. dated.19.6.49, in confirmation.

~~By order~~

for Dt Magistrate

~~Magisterial Head Clerk.~~

S.K. Dt. Magistrat's Office,
Mangalore, dated.29.6.49
LV.30.6.

30/6

30/6

18

Home Dept.

Please see the telegram on f/5 ante. The D.M was permitted to continue beyond 30.6.49 the temporary court pending further orders of the Govt. This may lie over till the remarks of the High Court are received (R.D 26.7.49)

4.7.49

4.7.49

5568 D

8/17 -D

60311 - 1

4.9.49

R.O.C.4771/49-D3.

From

Sri K.Krishnaswami, M.A.,B.L.,
1st Assistant Registrar, Original Side & Vacation Officer,
High Court of Judicature, Madras.

To

The Secretary to Government,
Home Department,

Madras, dated 30-6-49.

Sir,

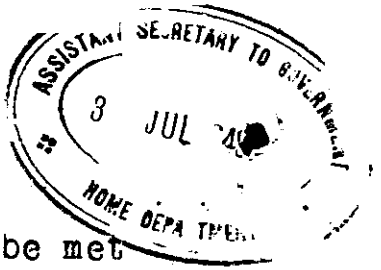
Sub: Courts - criminal-South Kanara district enquiry into cases arising out of communist activities - Additional First class Magistrate and staff- continuance - proposal.

Ref:-Letter Ref: 4559/48-C3 dated 18-6-1949 from the District Magistrate, South Kanara (copy sent to Government direct).

I write

The Hon'ble the Judges recommend the proposal of the District Magistrate, South Kanara for the retention of the Additional First class Magistrate with a staff of one lower division clerk and one peon for a further period of one month

20



from 1-7-1949. The extra cost involved can be met from the appropriation under '27. Administration of Justice - h. - Criminal Courts'

1st Assistant Registrar,
Original Side & Vacation
Officer.

tv.

(C.No.55680.D/49)

HOME DEPARTMENT.

G.O. MS. No. 2843 dated 12.7.49.

COURTS - Criminal - South Kanara district Enquiry into cases arising out of communist activities - A.F.C.M. and Asst. P.P. Grade II - Retention - Sanctioned.

READ:-

G.O. Ms. No. 1713, Home, dated 2nd May 1949
From the D.M., South Kanara 4559/48 C3,d/19-6-49
From the High Court, Madras R.O.C.No.4771/49-D3, dated 30-6-1949.

ORDER

His Excellency the Governor of Madras sanctions the retention upto 31st July 1949 or till the need ceases, whichever is earlier, of the following temporary staff in the South Kanara district, last sanctioned in G.O. Ms. No. 1713, Home, dated 2nd May 1949:-

(1) One Addl. First Class Magistrate;

(2) One lower division clerk;

(3) one peon; and

(4) one Asst. Public Prosecutor, Grade II.

2. The expenditure should be debited to "27. Administration of Justice - h. Criminal Courts - S.S.Ms. Bench Magistrates and other establishments - B. Pay of establishments - Voted".

To the Registrar, High Court, Madras
" D.M., South Kanara
" Bd. of Rev.
" A.G. thro' the Fin. Dept.
" ~~I.G. of Police, Madras~~
~~(With pp. 5-8 in original)~~

NOTE:- The court was created for enquiry into cases arising out of the communist activities in the South Kanara district. The present sanction for the court expired by 30th June 1949. The D.M. has stated that out of the cases pending before the A.F.C.M, three cases ~~will~~ would remain to be disposed of, that it is necessary to continue the A.F.C.M. and A.P.P. for one year 30-6-1949 but that the posts of one attender and

F.I D 5568 D/49

the receipt of the remarks of the High Court on the D.M's proposal, ~~he~~ the D.M. was permitted to continue beyond 30-6-1949 ~~the date on which the present sanction expired~~, the posts of A.F.C.M., one l.d. clerk, one peon and one Asst. P.P. Grade II. to continue the above for all till 30.6.49.
The High Court supports the D.M's proposal. The draft order submitted is for approval. It may be sent to the Finance fo acceptance.

ASSISTANT SECRETARY TO GOVERNMENT 11 JUL 1949 HOME DEPARTMENT

Home U.O 5568 D/49-3

6.7.49 7.7.49

7/7/49 Finance (FI)

The draft order overleaf may be accepted and the case returned to Home vo

RR 8.7.49 9.7.49

9/7/49 Home

11/7/49

ASSISTANT SECRETARY TO GOVERNMENT Fin(o) F. 8 JUL 1949 FINANCE DEPARTMENT

DS Home 63515 11.7.49

Fin vo 44743 Ex/49 9-7-49

(ಅನುಬಂಧ 'ಈ' ನಿಯಮ ಸಂಖ್ಯೆ:...)

ವಿದ್ಯಾರ್ಥಿಯ ದಾಖಲೆ ಕೊಠಡಿಯ ಪಟ್ಟಿ.

1. ಸಂಬಂಧಪಟ್ಟವರ ವಿದ್ಯಾರ್ಥಿಯ ಬಂಧನವನ್ನಿಗಿ ಇಟ್ಟ ಸಂಖ್ಯೆ :
2. ಒಟ್ಟಿನ ಸಂಖ್ಯೆ: ಪುಟಗಳು ಪರ್ಚ್ :
3. ಪ್ರಸ್ತುತವು ವಿಷಯವು ಸಂಕ್ಷಿಪ್ತವಾಗಿ ಅಥವಾ ವಿವರಣೆ. :
4. ದಾಖಲಿಸಿದವರು ಭಾಷೆ. :
5. ಬಂಧಕ್ ಹೆಸರು (ಸ್ಪಷ್ಟ ಅಕ್ಷರಗಳಲ್ಲಿ) :

1920-1952
Home Department Madras

1. (1) Courts, Criminal South Canara Dist—
2. — enquiry into cases out of Communist
3. — activities 824
4. 1.3.49
5. (2) 1713
2-5-49

M. Basavaraya
5/8/2000

5/8/2000